

SN 09/092,746
Page 6 of 8

REMARKS

This response is intended as a full and complete response to the final Office Action mailed on July 26, 2005. In the Office Action, the Examiner notes that claims 1-21 are pending and rejected. By this response, all claims remain unamended.

In view of the following discussion, Applicants submit that all of the claims now pending in the application are not anticipated under 35 U.S.C. §102. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §102 Rejections

Claims 1-21

The Examiner has rejected claims 1-21 under 35 U.S.C. §102(e) as being anticipated by Maddocks et al. (U.S. Patent US 6,483,616 B1, hereinafter "Maddocks"). Applicants respectfully traverse the rejection.

Applicants' independent claim 1 recites (independent claims 10, 16 and 20 recite similar limitations):

"A method, comprising:
reducing the power level of an optical signal propagating in an optical transmission line in response to the absence of a counter-propagating supervisory signal."

As stated in the previous response, the present invention employs a counter-propagating supervisory signal 114. It travels in the opposite direction of the optical signal within the same transmission path. As can be seen in Figure 2, a supervisory signal 114 is transmitted between end terminals 102 through optical fiber 110 such that the supervisory signal counter-propagates with the optical data signal 112. That is, the

SN 09/092,746
Page 7 of 8

supervisory signal 114 propagates along optical transmission lines 103 and 107 against the optical data signal 112. (See page 4, line 30 to page 5, line 1).

The Maddocks reference specifically discloses from column 2, lines 56-62:

The fibre 5 carries a unidirectional signal from switching unit 1 to switching unit 2. The similar optical fibre 6 carries a unidirectional signal from switching unit 2 to switching unit 1, and it has associated with it an amplifier 15, supervisory insert unit 16, optical couplers 32 and 33, supervisory extract unit 17 and amplifier 18 in an analogous manner.

As shown in FIG. 2, described in the reference, and paraphrased by the Examiner on page 6 of the present action, Maddocks has two unidirectional optical paths fiber 5 and fiber 6 traveling in opposite direction of each other. However, within each path, the supervisory signal travels along the optical path in the same direction as the optical signal as co-propagating signal. Nowhere in Maddocks is there any teaching, or even suggestion, of a counter-propagating supervisory signal.

Maddox uses a co-propagating supervisory signal and does not disclose a counter-propagating supervisory signal. In Maddocks, all the signals within a transmission path travels in the same direction (emphasis added). A bi-directional communications system does not disclose counter-propagation when no optical signals are traveling against another optical signal in the opposite direction within the same transmission line. Counter-propagating faces different technical challenges and has added benefits than just adding a transmission line in the opposite direction. The reading of the limitation of any bidirectional communication as counter-propagating is unreasonable because the limitations have to be read in light of the specification. Therefore, the Maddocks reference fails to teach each and every element of the claimed invention, as arranged in the claim.

As such, Applicants submit that independent claims 1, 10, 16 and 20 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-9, 11-15, 17-19 and 21 depend, either directly or indirectly, from independent claims 1, 10, 16 and 20 and recite additional features thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not anticipated and fully satisfy the

SN 09/092,746

Page 8 of 8

requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.


CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are definite under 35 U.S.C. §112, and are not anticipated and non-obvious in accordance with the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

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